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Attorney Docket No. 20518/56(1833K)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Gillis et al. CONFIRMATION NO.: 8303
APPLICATION NO.: 10/784,604 GROUP ART UNIT: 3764
FILED: February 23, 2004 EXAMINER: Not Yet Assigned
FOR: *COMPRESSION APPARATUS*

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450 on:

By: *Michelle A. Phinney*
Michelle A. Phinney

August 6, 2004
Date

INFORMATION DISCLOSURE STATEMENT

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, Applicants hereby submit an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

II. COPIES

- a. X Submitted herewith is a legible copy of (i) each *U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.

*** Waiver**

The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC § 371 after June 30, 2003. *See* 37 CFR 1.491(b).

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

- a. X Except as may be indicated below in (b), **all of the patents, publications or other information are in the English language** or were cited in an English language Search Report, a copy of which is attached hereto **(concise explanation not required)**.
- b. _____ A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:
- c. _____ The following additional information is provided for the Examiner's consideration:

FEES

IV. **THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)**

(check one box)

- a. ☐ within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1)). No fee or certification is required.
- b. ☐ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2)). No fee or certification is required.
- c. ☒ **before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required.** In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e)below, or, if no certification has been made, charge our deposit account 500369 a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. **THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):**

(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

- a. ☐ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

or

- b. ☒ See the certification below. No fee is required.

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby certifies that

- a. _____ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. _____ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.
- c. _____ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

_____ Please charge Deposit Account No. 500369 in the amount of \$180.00 for the above-indicated fee. A triplicate copy of this paper is attached.

 X No fee is required.

Application No.: 10/784,604
Filed: February 23, 2004
Group Art Unit: 3764

VII. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.704(d) (PATENT TERM
ADJUSTMENT)

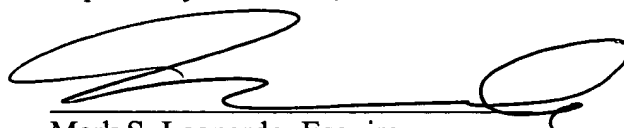
Applies to original applications (other than design) filed on or after May 29, 2000

- a. Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- b. X Enclosed herewith is form PTO-1449.
- c. Some of the listed references were cited in the enclosed International Search Report in a counterpart foreign application.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition, if necessary) and charge the appropriate fee to Deposit Account No. 500369.

Date: 8-6-2004

Respectfully submitted,



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FORM PT 1449 INFORMATION DISCLOSURE STATEMENT				ATTY DOCKET NO. 20518/56	SERIAL NO. 10/784,604		
				APPLICANT(S): Gillis et al.			
				FILING DATE: February 23, 2004		ART UNIT: 3764	
UNITED STATES PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	INVENTOR	CLASS	SUB CLASS	FIL. DATE IF APPR
		2,694,395	11/16/1954	Brown	128	38	
		3,164,152	01/05/1965	Nicoll	128	87	
		3,454,010	07/08/1969	Lilligren and Miller	128	327	
		3,561,435	02/09/1971	Nicholson	128	82.1	
		3,728,875	04/24/1973	Hartigan et al.	66	172 E	
		3,826,249	07/30/1974	Lee et al.	128	24 R	
		3,920,006	11/18/1975	Lapidus	128	24.1	
		4,013,069	03/22/1977	Hasty	128	24 R	
		4,030,488	06/21/1977	Hasty	128	24 R	
		4,091,804	05/30/1978	Hasty	128	24 R	
		4,156,425	05/29/1979	Arkans	128	24	
		4,198,961	04/22/1980	Arkans	128	24 R	
		4,202,325	05/13/1980	Villari et al.	128	24 R	
		4,207,875	06/17/1980	Arkans	128	24 R	
		4,207,876	06/17/1980	Annis	128	24 R	
		4,253,449	03/03/1981	Arkans et al.	128	24 R	
		4,375,217	03/01/1983	Arkans	128	24	
		4,408,599	10/11/1983	Mummert	128	24 R	
		4,442,834	04/17/1984	Tucker et al.	128	90	
		4,531,516	07/30/1985	Poole et al.	128	89 R	
FOREIGN PATENT DOCUMENTS							
		DOCUMENT	DATE	COUNTRY	CLASS	SUB CLASS	TRAN Y/N
OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)							
Examiner:					Date:		

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EXAM. INITIAL		DOCUMENT NUMBER	DATE	INVENTOR	CLASS	SUB CLASS	FIL. DATE IF APPR
		4,938,208	07/03/1990	Dye	128	87 R	
		4,453,538	06/12/1984	Whitney	128	24 R	
		4,702,232	10/27/1987	Gardner et al.	128	64	
		4,841,956	06/27/1989	Gardner et al.	128	64	
		4,280,485	07/28/1981	Arkans	128	24 R	
		4,029,087	06/14/1977	Dye et al.	128	24 R	
		4,066,084	01/03/1978	Tillander	128	327	
		4,721,101	01/26/1988	Gardner et al.	128	64	
		4,696,289	09/29/1987	Gardner et al.	128	64	
		4,614,179	09/30/1986	Gardner et al.	128	64	
		4,614,180	09/30/1986	Gardner et al.	128	64	
		4,730,606	03/15/1988	Leininger	128	75	
		5,014,681	05/14/1991	Neeman et al.	128	64	
		5,062,414	11/05/1991	Grim	128	68.1	
		5,437,610	08/01/1995	Cariapa et al.	601	152	
		5,489,259	02/06/1996	Jacobs et al.	602	13	
		5,626,556	05/06/1997	Tobler et al.	601	151	
		5,795,312	08/18/1998	Dye	601	151	
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRAN Y/N
OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)							
		The Kendall Company, Vascular Therapy Products Catalog, 1/1996, pps. 8-5 – 8-7.					
Examiner:					Date:		

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EXAM. INITIAL		DOCUMENT NUMBER	DATE	INVENTOR	CLASS	SUB CLASS	FIL. DATE IF APPR
		5,989,204	11/23/1999	Lina	601	152	
		5,669,872	09/23/1997	Fox	601	152	
		5,354,260	10/11/1994	Cook	602	13	
		5,441,533	08/15/1995	Johnson et al.	607	104	
		5,466,250	11/14/1995	Johnson, Jr. et al.	607	104	
		5,496,262	03/05/1996	Johnson, Jr. et al.	601	152	
		5,588,955	12/31/1996	Johnson, Jr. et al.	601	152	
		5,575,762	11/19/1996	Peeler et al.	601	152	
		5,711,757	01/27/1998	Bryant	601	23	
		5,876,359	03/02/1999	Bock et al.	601	150	
		5,951,502	09/14/1999	Peeler et al.	601	149	
		5,674,262	10/07/1997	Tumey	607	48	
		5,230,335	07/27/1993	Johnson, Jr. et al.	128	400	
		5,931,797	08/03/1999	Tumey et al.	601	152	
		5,840,049	11/24/1998	Tumey et al.	601	149	
		5,991,654	11/23/1999	Tumey et al.	600	479	
		5,413,142	05/09/1995	Johnson et al.	137	515.5	
		5,389,065	02/14/1995	Johnson, Jr.	602	27	
		5,314,455	05/24/1994	Johnson, Jr. et al.	607	104	
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRAN Y/N
OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)							
		The Kendall Company, The New SCD Compression Sleeve, 8/1993, pp. 1-2.					
Examiner:					Date:		

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EXAM. INITIAL		DOCUMENT NUMBER	DATE	INVENTOR	CLASS	SUB CLASS	FIL. DATE IF APPR
		5,277,695	01/11/1994	Johnson, Jr. et al.	602	14	
		6,135,116	10/24/2000	Vogel et al.	128	898	
		6,001,119	12/14/1999	Hampson et al.	606	202	
		6,007,559	12/28/1999	Arkans	606	201	
		6,129,688	10/10/2000	Arkans	601	152	
		6,463,934	10/15/2002	Johnson, Jr. deceased et al.	128	898	
		6,557,704	05/06/2003	Randolph	206	363	
		6,493,568	12/10/2002	Bell et al.	600	323	
		6,290,662	09/18/2001	Morris et al.	601	149	
		6,468,237	10/22/2002	Lina	601	150	
		6,592,534	07/15/2003	Rutt et al.	601	151	
		6,296,617	10/02/2001	Peeler et al.	601	152	
		6,358,219	03/19/2002	Arkans	601	152	
		6,421,859	07/23/2002	Hicks et al.	5	722	
		6,447,460	09/10/2002	Zheng et al.	600	549	
		6,447,467	09/10/2002	Barak	601	149	
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		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRAN Y/N
OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)							
		Tyco Healthcare Kendall, Prevention Gets Personal, 3/2001, pp. 1, 2, 4.					
		Kendall SCD, Sequential Compression Sleeves, Patent Information, 1/1993, 6 pgs.					
Examiner:					Date:		

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		6,478,757	11/12/2002	Barak	601	151			
		6,494,852	12/17/2002	Barak et al.	601	151			
		6,368,357	04/09/2002	Schon et al.	623	37			
		6,322,530	11/27/2001	Johnson, Jr. et al.	602	65			
		6,387,065	05/14/2002	Tumey	601	152			
		6,488,643	12/03/2002	Tumey et al.	602	13			
		6,231,532	05/15/2001	Watson et al.	601	150			
		6,319,215	11/20/2001	Manor et al.	601	152			
		RE 4,696,289	09/03/2002	Gardner et al.	601	152			
		RE 32,939	07/09/2002	Gardner et al.	601	152			
		RE 4,721,101	06/18/2002	Gardner et al.	601	152			
		RE 32,940	12/03/1996	Gardner et al.	601	152			
		Des. 411,301	06/22/1999	Hampson et al.	D24	189			
		2002/0042583	04/11/2002	Barak et al.	601	1			
		2002/0133106	09/19/2002	Peled	601	149			
		Re 32,939	06/06/1989	Gardner et al.	128	64			
OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)									
		Tyco Healthcare Kendall, SCD Soft Sleeve Catalog, 4/2001, pp. 1-2.							
		Tyco Healthcare Kendall, SCD Response Catalog, 3/2000, pp. 1-2.							
Examiner:					Date:				